

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF CALIFORNIA

In the Matter of the Accusation)	
Against)	
)	
BRUCE ARTHUR COLBURN, M.D.)	NO. D-889
)	
Respondent)	OLA 10,910
)	

DECISION

The attached Proposed Decision of the Hearing Officer is hereby adopted by the Board of Medical Examiners of the State of California as its decision in the above-entitled matter, with the exception that the penalty proposed in the order therein is hereby reduced by striking the period following the word "revoked" and adding "; provided, however, that execution of said order of revocation is hereby stayed indefinitely upon the following terms and conditions:

(1) Respondent shall not exercise, or attempt to exercise, the privileges of his license to act as a physician and surgeon in the State of California except that he may be permitted to do so by further order of the Board and the passing of an oral examination given by the Board. Such permission shall be granted only upon petition by said respondent and a hearing by said Board.

(2) Respondent shall not be entitled to possess or use his Federal Narcotic Stamp and shall not renew or attempt to renew the same during said period of probation;

(3) During said period of probation respondent shall not use or have in his possession any narcotic drugs unless the same shall have been prescribed for respondent's use by a person lawfully authorized to prescribe narcotic drugs for humans;

(4) Respondent shall comply with all of the laws of the United States, of the State of California and of the political subdivisions thereof, and with the rules and regulations of the Board of Medical Examiners of the State of California;

(5) Respondent shall report in person to the Board of Medical Examiners at its regular summer meetings held in Los Angeles, commencing in 1966, and for each year thereafter during said period of probation;

(6) During said period of probation respondent shall file with the Board of Medical Examiners, at its office at 1021 O Street, Sacramento, California, at quarterly intervals, an affidavit to the effect that he has fully and faithfully complied with all of the terms and conditions of probation imposed herein; if respondent has failed to comply with any of the terms and conditions of probation herein, the same shall be fully set forth in said affidavit. Failure to file this affidavit or to include therein the information above specified shall constitute a violation of the terms and conditions of probation.

The Board of Medical Examiners of the State of California shall have the power, in its discretion, to summarily dissolve the stay of execution herein, and forthwith impose the order of revocation, together with any right of reinstatement of said license, upon it being made to appear to the Board, in any manner whatsoever, that respondent has violated any term or condition of this order. In the event that said Board of Medical Examiners shall exercise its discretion to summarily dissolve the stay of execution herein and to impose said order of revocation, said stay of execution shall not be reinstated, except upon petition of said respondent, and a hearing thereon, at which time the burden of proof shall be upon respondent to satisfy the mind of the Board that the information upon which the Board based said summary order is untrue.

Respondent shall be fully restored to all of the privileges of his license and shall be free of the restraint of this probationary order only after a further order of the Board made on a petition and hearing with respect to such restoration."

This decision shall become effective on the 15th day of
APRIL, 1966.

IT IS SO ORDERED this 16th day of MARCH,
1966.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF CALIFORNIA

BY: Shelby M. Hicks M.D.
SHELBY M. HICKS, M.D.
Secretary-Treasurer

ORIGINAL

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF CALIFORNIA

In the Matter of the Accusation)
against)

BRUCE ARTHUR COLBURN, M.D.,)
Respondent)

NO. D-889
OLA 10,910

PROPOSED DECISION

This matter came on regularly for hearing before Bicknell J. Showers, Hearing Officer of the Office of Administrative Procedure, at Los Angeles, California, on February 9, 1966, at the hour of 9:00 a.m. Henry Lewin, Deputy Attorney General, represented the Board of Medical Examiners. Although the respondent was duly served with the Accusation, Statement to Respondent, form of Notice of Defense and Notice of Hearing, and filed a Notice of Defense, said respondent did not appear and was not represented by an attorney. Evidence both oral and documentary having been introduced, and the matter submitted, the Hearing Officer finds the following facts:

I

Wallace W. Thompson filed the Accusation in his official capacity as the Executive Secretary of the Board of Medical Examiners of the State of California.

II

Respondent, Bruce Arthur Colburn, M.D., was heretofore issued a physician's and surgeon's certificate by the Board and at all times herein mentioned was and now is licensed to practice medicine and surgery in the State of California.

III

On February 25, 1965 in the Municipal Court of Pomona Judicial District, County of Los Angeles, State of California, in a

proceeding entitled "The People of the State of California, vs. Bruce Arthur Colburn, Defendant," No. M-25195, respondent was convicted on his plea of guilty of violating Section 11165, Health and Safety Code (issuing false and fictitious prescriptions). Respondent was thereafter placed on summary probation for a period of three (3) years. Said conviction is for a violation of a statute of this State regulating narcotics.

IV

During the years 1964 and 1965 respondent wrote, made and issued false and fictitious prescriptions for Methyilmorphine (Codeine), a narcotic regulated by the statutes of this State. Each of said prescriptions was false and fictitious in that it contained the false representation that the narcotic drug prescribed was for the exclusive use of a person whose name and address was placed upon the prescription by respondent, namely, Mildred S [REDACTED], [REDACTED] California. In truth and in fact said narcotic was for respondent's wife, Mrs. Bruce Arthur Colburn, [REDACTED], [REDACTED] California.

V

It was not established that respondent issued the prescriptions and administered and dispensed Codeine as found in paragraph IV hereof without making a record as to each transaction showing the name and address of the patient, the date, the character and quantity of the narcotic involved, and the pathology for which the prescriptions were issued and the narcotic prescribed and administered.

VI

Respondent made the following showing:

(a) Respondent has been disabled by a brain disease since 1954 and has not practiced his profession since that time. Respondent is recovering from his disability and hopes to return to the practice of medicine in the near future.

(b) Respondent prescribed Codeine for his wife to relieve physical distress which she was suffering and also because he believed that she was addicted to the use of the drug. Respondent used the maiden name of his wife in writing the prescription and inserted a former address of his wife in the prescription because he believed that the Board of Medical Examiners had ruled that the treatment of a doctor's spouse was unprofessional conduct.

* * * * *

Pursuant to the foregoing findings of fact, the Hearing Officer makes the following determination of issues:

I

Respondent violated Sections 11162, 11165, 11166, 11168, 11170 and 11170.5 of the Health and Safety Code. It was not established that respondent violated Section 11225 of the Health and Safety Code.

II

Respondent has been guilty of unprofessional conduct as defined by Sections 2384 and 2391.5 of the Business and Professions Code.

III

Cause for discipline has been established under the provisions of Section 2384 of the Business and Professions Code.

IV

Cause for the Board of Medical Examiners to take action against respondent's license has been established under the provisions of Sections 2360 and 2361 of the Business and Professions Code.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The physician's and surgeon's certificate heretofore issued to respondent Bruce Arthur Colburn, M.D., is hereby revoked.

I hereby submit the foregoing which constitutes my proposed decision in the above-entitled matter, as a

result of the hearing had before me
on February 9, 1966, at Los Angeles,
California, and recommend its
adoption as the decision of the
Board of Medical Examiners.

DATED: February 14, 1966


BICKNELL J. SHOWERS, Hearing Officer

THOMAS C. LYNCH, Attorney General
HENRY LEWIN
Deputy Attorney General
600 State Building
Los Angeles, California 90012
Telephone: MADison 0-3413

Attorneys for Complainant

BEFORE THE BOARD OF MEDICAL EXAMINERS

OF THE STATE OF CALIFORNIA

IN THE MATTER OF THE ACCUSATION
AGAINST:
BRUCE ARTHUR COLBURN, M.D.,
Respondent.

NO. *D-889*
ACCUSATION

COMES NOW the complainant herein and alleges as follows:

1. That at the time of executing and filing the within pleading, the complainant herein was, and now is, the Executive Secretary of the Board of Medical Examiners of the State of California (hereinafter Board), and that he performed said acts in his official capacity and not otherwise.

2. That BRUCE ARTHUR COLBURN, M.D. (hereinafter respondent), was heretofore issued a physician's and surgeon's certificate by the Board, and at all times herein mentioned respondent was, and now is, licensed to practice medicine and surgery in the State of California.

3. That at all times herein mentioned, Sections 2360 and 2361 of the Business and Professions Code authorized the Board to take action against the holder of a physician's and surgeon's certificate who is guilty of unprofessional conduct.

1 4. That at all times herein mentioned, unprofessional
2 conduct has been defined in Section 2384 of the Business and
3 Professions Code as the conviction of violating a statute of
4 this State regulating narcotics or dangerous drugs.

5 5. That at all times herein mentioned, unprofessional
6 conduct has been defined in Section 2391.5 of the Business and
7 Professions Code as the violation of any statute of this State
8 regulating narcotics and dangerous drugs.

9 6. That respondent is guilty of unprofessional conduct
10 as defined in Section 2384 of the Code in that respondent has
11 been convicted of a violation of a statute of this State
12 regulating narcotics or dangerous drugs, as more particularly
13 alleged hereinafter:

14 That on or about February 25, 1965, in the
15 Municipal Court of Pomona Judicial District, County
16 of Los Angeles, State of California, in a proceeding
17 entitled, "People of the State of California v. Bruce
18 Arthur Colburn," No. M25195, respondent was convicted,
19 upon his plea of guilty, of a violation of Section 11165
20 of the Health and Safety Code (issuing false and
21 fictitious prescriptions), a misdemeanor; that
22 respondent was thereafter placed on summary probation
23 for a period of three years; that said conviction is
24 for a violation of a statute of this State regulating
25 narcotics.

26 7. That respondent is guilty of unprofessional conduct
27 as defined in Section 2391.5 of the Code in that during the years
28 1964 and 1965 respondent frequently violated Sections 11162,
29 11165, 11166, 11168, 11170, 11170.5 and 11225 of the Health and
30 Safety Code, as more particularly alleged hereinafter:

31 That respondent wrote, made and issued false and
32 fictitious prescriptions for Methylmorphine (Codeine),

1 a narcotic regulated by the statutes of this State; each
2 of said prescriptions was false and fictitious in that
3 it contained the false representation made thereon by
4 respondent that the narcotic drug therein prescribed
5 was for the exclusive use of the person whose name and
6 address was placed thereon by respondent, i.e., Mildred
7 S [REDACTED], [REDACTED], [REDACTED], California.
8 However, in truth and in fact, the said narcotic so pre-
9 scribed was for respondent's wife, Mrs. Bruce Arthur
10 Colburn, [REDACTED], [REDACTED], California.

11 That respondent did issue prescriptions and
12 administer and dispense Codeine, as aforesaid, during
13 said period, without making a record as to each trans-
14 action showing the name and address of the patient,
15 the date, the character and quantity of the narcotic
16 involved, and the pathology for which the prescriptions
17 were issued and the narcotic prescribed and administered.

18 WHEREFORE, the complainant prays that the Board of
19 Medical Examiners hold a hearing on the matters alleged herein
20 and following said hearing take such disciplinary action as is
21 provided in Section 2372 of the Business and Professions Code
22 on each of the charges proven, and take such other and further
23 action as may be proper.

24 DATED: This 13th day of September, 1965.

25
26
27 Wallace W. Thompson
28 WALLACE W. THOMPSON,
29 Executive Secretary
30 Board of Medical Examiners of the
31 State of California, Complainant.

ADM LA
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HL:ig
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